

**Clery Act Committee Meeting**  
**Thursday, November 18, 2021, 9:00 AM**  
**Via Zoom**  
**MINUTES**

**Committee Members Present:**

Frank Mackesy, UPD, Chair  
Anissa Agne, Enrollment Services  
Bob Boyle, Housing and Residence Life  
Adam Brown, UPD  
Samantha Brown, Faculty Representative  
Jason Edgar, SG Business Office  
Calena Gray, Human Resources  
John Grosso, SGA  
Kathleen Halstead, UPD  
Kelly Harrison, CPDT  
Anne Hoover, Academic Affairs  
Fantei Norman, EOI  
Donna Kirk, Athletics  
Luisa Martinez, International Center  
Sasha Kutesvich, SG  
Luisa Martinez, International Center  
Valerie Morrison, Student Health Center  
John Reis, Office of the General Counsel, Vice-Chair  
Jan Soto, SG  
Shelia Spivey, Women's Center  
Tom Van Schoor, Ombudsman  
Richmond Wynn, Counseling Center

**Absent:**

Joann Campbell, Compliance  
Dan Endicott, Environmental Health and Safety  
John Kane, UPD

The meeting was called to order at 9:00 a.m. by Committee Chair, Frank Mackesy.

**Introduction of New Members:** Chair Mackesy decided to take an agenda item out of order and introduced Dr. Samantha Brown as the new faculty representative. He told her that the committee cannot be successful without faculty assistance. Dr. Brown said that she is a professor in the Criminal Justice Department. She is happy to serve on the committee especially because it is in line with her research into the effects of crime. Chief Mackesy next introduced Sasha Kutesvich. Ms. Kutesvich stated that she is the Accounting Associate in Student Government for clubs and travel. Chief Mackesy introduced Jason Edgar. Mr. Edgar said that he is the Assistant Director for Student Government over the Business Office. He provides fiscal guidance to SG 18 – 22-year-olds with a \$4.5 million budget! Chief Mackesy introduced Jan Soto. Ms. Soto said that she is the Student Government advisor over clubs. Finally, Chief Mackesy reintroduced John Grosso. Mr. Grosso said that he did attend the last Clery Act Committee meeting. At that time, he was the Attorney General of Student Government but is now the Vice President. Chief Mackesy welcomed them all and said he is happy to have them join the committee as they are all valuable members.

**Minutes:** Chair Mackesy then presented the draft minutes of the August 12, 2021 meeting to the committee and offered the opportunity for comments/questions from the members. Upon

receiving none, he asked for a motion for approval. A motion was offered by Donna Kirk and seconded by Anne Hoover. The motion was unanimously carried to accept the minutes as written.

**Status of 2020 ASR:** Chief Mackesy confirmed that the 2020 Annual Security Report was distributed. He thanked all the committee members for the information provided to complete the report accurately. He especially thanked Joann Campbell and John Reis for reviewing the report. It only took about eight readings! Chief Mackesy advised that next year, the ASR has to be done earlier than usual. That means data will be needed in the July/August timeframe instead of August/September. He explained that the back end of how we do things changed which will necessitate an early start.

**Review Bylaws and Amend as Needed:** Chief Mackesy introduced John Reis, who is vice-chair of the committee, but in reality, is the co-chair. Mr. Reis is also an attorney in the Office of the General Counsel. Chief Mackesy asked Mr. Reis if he would review the bylaws to make sure they are up to date. Mr. Reis inquired as to just a general review or if there is something specific he should look at. Chief Mackesy said “both”. The specific part would be to add the two directors that were recently added to the committee. Those directors would be of the Counseling Center and the Student Health Center. Other than that, make sure bylaws are up to date according to best practices. Chief Mackesy also suggested to make the language less restrictive by limiting it to directors by adding “or their designee”. Chief Mackesy asked Mr. Reis to forward him the bylaws for his review also.

**Introduction of Committee Members:** Chief Mackesy apologized as he usually tries to get all committee members to introduce themselves and the area they represent at the beginning of the meeting. As this meeting was via zoom, Chief Mackesy called on each individual. With the exception of the new members previously introduced, there was a new face in the crown. Carly Bengry was attending the meeting as the designee of Rachel Winter, Student Conduct Officer, who is on maternity leave with her new baby girl.

**Review of Policies to Either Update or Reaffirm:** Chief Mackesy stated that Joann Campbell is not in attendance at today’s meeting, but she suggested it was time to review Clery policies to either update them or reaffirm them. For the benefit of the new members, Mr. Reis said that the Campus Safety and Security Policy is essentially the University’s internal Clery policy. The Clery Act Timely Warning and Emergency Notification Policy is the policy that Clery requires the University to have to send notifications out to University. He will review the policies for any necessary changes and will send the Timely Warning Policy to PR/Marketing to look at it as well. After that, he will circulate the policies to the committee to get any general feedback from everyone. One thing he wants the committee to look at “does the process make sense?”

Chief Mackesy recognized that Mr. Reis will take charge of the review process. Chief Mackesy said that the policies were just reviewed and updated in the last couple of years, (note, last revised in August 2019), so the policies should be up to date. Chief Mackesy advised the committee members to go to Clery website and download the handbook (<https://www2.ed.gov/admins/lead/safety/handbookfsa.pdf>) for assistance in reviewing the policies. He also advised Dr. Brown that she may be interested in reviewing the handbook for her research. During your review of the policies, some things to look for are: do they make sense? Is it clear as far as the process to send any notifications? Are we hitting the correct population? After the review is complete, it may be that we just tell Dr. Campbell that we looked at the policies and have no recommended changes.

Chief Mackesy asked that the review is completed and any suggested comments to Mr. Reis be done by December 7.

**Other Business:** Chief Mackesy asked Kelly Harrison how the CSA training is going. He wanted to make sure it is going smoothly. Mr. Harrison stated that the training module has been in Ascend, the new training software, since March. A tracking report is already created which tracks who is getting training on a regular basis. He sends that report to the International Center so they can confirm study abroad leaders receive training and to Jan Soto for club advisors training. Further, all employees that go through New Employee Orientation get Clery Act training on their training schedule. Mr. Harrison does not have a good feel for Bob Boyle's group in Housing as they are constantly changing. Mr. Boyle assured Mr. Harrison that the individuals who need training should be doing so through Osprey Ascend, but they also have internal training. Chief Mackesy said that the DOE guidelines require maintaining records for 7 years. If the DOE audits you, they will go back 7 years and for every violation there is a \$57,500 fine

Chief Mackesy said that we have come a long way with Clery training because of Mr. Harrison's efforts and we appreciate it very much. Mr. Reis said that study abroad will be picking up in the Spring, so we need to be sure to capture all those leaders. Mr. Harrison said that he sends the report weekly to Louisa Martinez in International Studies, but maybe he will start sending it daily so they can stay on top of it.

Chief Mackesy reminded the committee that if anyone is keeping copies of the 2015 ASR or older please destroy them. If you keep them and the University gets audited, they will go back as far as they can and will audit all of the reports. The Clery Center's best practice is to destroy them after seven years. Calena Gray confirmed that Human Resources will print out a copy of the ASR for any current or expected employees if requested.

For the new members, Chief Mackesy said that the current ASR is for 2020 but has to be put out to the public by October the following year. As a reminder, the ASR checklist was due to Dr. Campbell back in October. If you have not yet done it, please do it now and send to Dr. Campbell.

Chief Mackesy next brought up the possibility of attaching the CSA policy to annual performance evaluations of CSAs. Doing so is a best practice as recommended by the Clery Center. Mr. Harrison said that the Clery language is in the position description and suggested to just attach the language from the position description to the performance evaluation. Ms. Gray said that supervisors are supposed to review the position description while completing the performance evaluation. Chief Mackesy asked if they could add if the CSA completed the annual training. Ms. Gray said that it sounds like we need two performance evaluations. One for CSAs and one for everyone else. She will talk to Danie Nicolas, Associate Director, Employee and Labor Relations, about that. Chief Mackesy stated that one of the requirements of being a CSA is that you have to take annual training. Having proof that CSAs completed the training on the annual performance evaluation is another best practice. Chief Mackesy assigned Ms. Gray as the point person on this and to get back with him or Mr. Reis.

Chief Mackesy advised the committee that UNF entered into a Resolution Agreement with the DOE that everything that is posted on the University's public facing website has to be ADA compliant. As you know, the ASR is lengthy, and full of charts and tables. It would probably take 40 – 50 hours to make the report ADA compliant. It has to be published by October 1<sup>st</sup>, which is why he may want to move up the date to provide the ASR data to him. In the alternative, Chief Mackesy needs to find out if it is appropriate to place the ASR on the University's internal intranet, where the report will not have to go through the ADA compliant process.

Chief Mackesy explained that one of his officers just went to a Clery conference and came back with a lot of best practices and suggestions. Based on this feedback, Chief Mackesy thinks we may have been designating the location of UNF crimes wrong. It turns out that the University has a deal with the FDOT that the University maintains all roads on campus; therefore, for the purposes of the Clery Act, UNF is private property not public. He is still trying to verify that, but we have until August of next year to get it right.

Chief Mackesy also advised that we may have been counting drug & alcohol incidents coming out of the Conduct Office incorrectly. If anything, we are over counting instead of under counting. If there is a referral from Housing to Student Conduct for drugs or alcohol, we only have to count the actual violations of law. We have been counting violations of a rule or regulation. According to the subject matter expert, it should be counted as just noted. If you have four people in a dorm room in Housing using alcohol and two were 22 years old and two were 19, we will only count the two underage individuals. A comment was made that the two 22-year-olds probably bought the alcohol for the underage individuals. Chief Mackesy stated that if you can prove the 22-year-olds gave the alcohol to underage individuals, then they would be counted as well.

If it's a violation of the law, it would have to be included in the daily crime log. Mr. Reis has some thoughts on the crime log and will talk to Chief Mackesy about that offline.

Chief Mackesy then asked the committee members if any of them had any other business. Donna Kirk stated that in reviewing the minutes from the last meeting, she wanted to alert the UPD that the last practice date at Bolles was November 4, 2021. This should be noted for the next ASR cycle. She sent an email to Adam Brown advising him and copied Chief Mackesy on the email. Chief Mackesy advised the new members that the reason Ms. Kirk was bringing that up is because UPD has to send a letter to the local law enforcement agency for a report of crimes in that area. As part of the Clery Act, we need to know how safe that neighborhood is.

Finally, Chief Mackesy outlined the pending tasks as a result of today's meeting:

- Ms. Stumph will send out the two policies to all committee members, who will give feedback to John Reis by December 7. As a reminder, Chief Mackesy and Mr. Reis will do the heavy lifting on the review.
- Calena Gray is looking at adding CSA requirements, including training, to their annual performance evaluations.
- Bolles is out of play for next year's ASR effective November 4, 2021
- Chief Mackesy will get back with Mr. Boyle regarding alcohol rule violations that also violate the law. Basically, it's possession of alcohol under 21 or providing it to anyone under 21.
- Chief Mackesy will follow up with Mr. Reis on the crime log.
- Chief Mackesy will reevaluate how we post the ASR.

Thank you for all your hard work. I really appreciate your participation in this committee. Happy Thanksgiving.

**Next Meeting:** Thursday, February 25, 2022 at 9:00 a.m. either via zoom or at a location to be determined.

**Adjournment:** There being no further business, the meeting was adjourned at 9:50 a.m.

Approved by Committee vote on February 25, 2022.